

**CITY OF CENTRAL, COLORADO
ORDINANCE 12-10**

**AN ORDINANCE OF THE CITY OF CENTRAL, COLORADO,
AMENDING SECTION 2-2 OF THE MUNICIPAL CODE CONCERNING
THE DEADLINE FOR FILING WRITE-IN CANDIDATE AFFIDAVITS
AND CANCELLING ELECTIONS**

WHEREAS, Section 2-2 of the Municipal Code provides that no write-in vote for any City elected office shall be counted unless an affidavit of intent is filed with the City Clerk by the person whose name is being written in prior to twenty days before the date of an election; and

WHEREAS, Section 2-1 of the Municipal Code provides that municipal elections are conducted pursuant to either the Municipal Election Code or, when held as a coordinated election, by the Uniform Election Code; and

WHEREAS, the deadline for filing write-in candidate affidavits of intent in elections held as coordinated elections is earlier than the deadline applicable to elections held pursuant to the Municipal Election Code; and

WHEREAS, the City Council wishes to amend Section 2-2 of the Municipal Code to provide that the deadline for filing affidavits of intent differs depending on whether the Municipal Election Code or the Uniform Election Code is governing the election; and

WHEREAS, the City Council also wishes to amend Section 2-2 of the Municipal Code to provide that elections may be cancelled when there are less candidates for office by the close of business on the date that is the deadline for filing write in candidate affidavits of intent than there are open offices.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL, COLORADO THAT:

Section 1. Section 2-2 of Article I of Chapter 2, formerly entitled “Write-in candidate affidavit required” is hereby amended to read as follows in its entirety:

Sec. 2-2. Write –in candidate affidavit required and cancellation of elections.

(a) For those elections held pursuant to the Municipal Election Code of 1965, as amended, no write-in vote for any City elected office shall be counted unless an affidavit of intent has filed with the City Clerk by the person whose name is being written in prior to twenty (20) days before the date of election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

(b) For those elections held pursuant to the Uniform Election Code of 1992, as amended, no write-in vote for any City elected office shall be counted unless an affidavit of intent has filed with the City Clerk by the person whose name is being written in prior to the

deadline set forth in the Uniform Election Code of 1992 indicating that such person desires the office and is qualified to assume the duties of that office if elected.

(c) For all City elections, the election may be cancelled if the matter before the voters is the election of persons to office and if at the close of business on the day before the election which is the day by which affidavits of intent must be filed there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and declare the candidates elected and, upon such declaration, the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the municipality, and notice of such cancellation shall be posted at each polling place within the City and in not less than one other public place.

Section 2. Codification Amendments. The codifier of Central City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Central City Municipal Code.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk